

In accordance with section 853.3 of the Penal Code of the state, when such person violates his promise to appear before an officer authorized to accept bail other than a magistrate, that officer shall immediately deliver to the magistrate having jurisdiction over the offense charged, the written promise to appear and the complaint, if any, filed by the arresting officer. (Code 1961, § 17.17)

Sec. 14-24. Penalty.

Every person violating any of the provisions of this article shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding one hundred dollars (\$100.00) or by imprisonment in the county jail for not more than thirty (30) days or by both such fine and imprisonment. (Code 1961, § 17.18)

14-25- 14-35. Reserved.

ARTICLE III. TRUCK ROUTES AND WEIGHT LIMITATIONS

DIVISION 1. GENERALLY

Sec. 14-36. Cessation of regulations on state highways.

This article shall cease to be effective as to any state highways within six (6) months after the receipt of notice from the department of public works of the state of its withdrawal of its consent to the establishment of any restrictions affecting state highways herein. (Code 1961, § 17.9)

Sec. 14-37. Approval of transfer of streets from city jurisdiction required.

No street or highway under the jurisdiction of the city for the purposes of this article shall be transferred out of the jurisdiction of the city without approval at a regular municipal election by a majority of voters of the city. (Code 1961, § 17.10)

Sec. 14-38. Authority to weigh trucks to determine compliance.

Any police officer shall have the authority to require any person driving or in control of any truck on any public street or highway in

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the city to proceed to any public or private scale available for the purpose of weighing and determining whether this article has been complied with. (Code 1961, § 17.4)

Sec. 14-39. Penalty for violation of regulations.

Any violation of this article shall be a misdemeanor and each day of any such violation of such provisions shall constitute a separate misdemeanor, punishable by a fine of not exceeding three hundred dollars (\$300.00) or imprisonment in the county jail not exceeding thirty (30) days or both such fine and imprisonment. (Code 1961, § 17.11)

Secs. 14-40—14-45. Reserved.

DIVISION 2. TRUCK TRAFFIC ROUTES*

Sec. 14-46. Designated.

The following streets are hereby declared to be truck traffic routes for the movement of vehicles exceeding a maximum gross weight, including load, of three (3) tons, hereinafter called "trucks," and the city manager is hereby authorized and directed to designate such streets by appropriate signs as "truck route." Such streets are particularly designated as follows:

- (a) All of El Camino Real within the city.
- (b) All of Bayshore Highway within the city.
- (c) All of Old County Road within the city.
- (d) O'Neill Avenue from its intersection with Old Country Road to its intersection with Kedith Street.

***Annotation**—In the case of Skyline Materials, Inc., v. City of Belmont, decided November 2, 1959, in the Superior Court of San Mateo County, it was held that the City of Belmont be restrained and enjoined from enforcing any or all of the provisions of Ordinance Nos. 173, 203 and 232 [§ 14-46 of this Code] as against Skyline Materials, Inc., insofar as such ordinances prohibit the operation of vehicles exceeding the designated gross weights from proceeding over Ralston Avenue in the City of Belmont. Such decision of the Superior Court was reversed by the District Court of Appeals, see 198 Cal. App. (2d) 449. The Appellate Court held that the ordinance was discriminatory and therefore invalid in the respect of providing permits and fees charged thereon. The problems raised by the court were solved by the adoption of Ord. No. 312, set out in section 17.8 of the 1961 Code, as amended, section 14-61 of this Code.

- (e) All of Ralston Avenue within the city except that the maximum gross weight of any truck and load moving along or on Ralston Avenue is limited to eight (8) tons.
- (f) Harbor Boulevard from the easterly line of El Camino Real to the easterly corporate limits of the city.
- (g) Alameda de las Pulgas between Ralston Avenue on the north and the corporate limits of the city on the south, except that the gross weight of any truck and load moving along or on such roadway is limited to eight (8) tons. (Code 1961, § 17.1; Ord. No. 576, § 1, 6-28-76)

Sec. 14-47. Direction of signs; state approval of routes not under exclusive jurisdiction of city.

Whenever any provision of any ordinance designates or describes any street or streets or portions thereof as a street or streets the use of which is permitted by any commercial vehicle or by any vehicle exceeding the maximum gross weight of three (3) tons, the city manager is hereby authorized to designate such street or streets or portions thereof by approaching signs as "truck traffic routes" for the movement of commercial vehicles and vehicles exceeding the maximum gross weight limit of three (3) tons. No such ordinance shall be effective with respect to any highway which is not under the exclusive jurisdiction of the city or, in the case of any state highway, until such proposed ordinance has been submitted by the city council to and approved in writing by the department of public works of the state. (Code 1961, § 17.2)

Sec. 14-48. Operation of trucks on other than truck traffic routes prohibited generally.

No person shall operate any truck having a gross weight, including load, in excess of eight (8) tons on Ralston Avenue west of El Camino Real in the city or in excess of three (3) tons on any other street in the city, except on those streets specified in section 14-46, subject to the exceptions hereinafter provided. For the purpose of this section, the word "truck" shall include the words "motor truck," "truck-tractor" and "trailer" as such terms are defined in sections 410, 655 and 630 of the Vehicle Code of the state. (Code 1961, § 17.3)

Sec. 14-49. Trips from outside with destination outside city.

All trucks entering the city for a destination point outside the city shall operate only over a truck route as established by section 14-46. (Code 1961, § 17.5)

Sec. 14-50. Trips from outside with destination inside city.

All trucks entering the city for a destination point in the city shall enter the city only on an established truck route and shall proceed only over an established truck route and

shall deviate only at the intersection with the street nearest to the destination point. Upon leaving the destination point the deviating truck shall return to the nearest truck route by the shortest route. (Code 1961, § 17.5)

Sec. 14-51. Trips from outside with multiple destinations inside city.

All trucks entering the city for multiple destination points shall enter the city only on established truck routes, shall proceed only over established truck routes and shall deviate only at the intersection with the street nearest to the first destination point. Upon leaving the first destination point a deviating truck shall proceed to all other destination points by the shortest route. Upon leaving the last destination point the deviating truck shall return to the nearest truck route by the shortest route. (Code 1961, § 17.5)

Sec. 14-52. Trips from inside to outside city.

All trucks on a trip originating in the city and traveling in the city for a destination point outside the city shall proceed by the shortest route to the nearest truck route as herein established. (Code 1961, § 17.6)

Sec. 14-53. Trips from inside to inside city.

All trucks on a trip originating in the city and traveling in the city for destination points in the city shall proceed to such destination points by the shortest route. (Code 1961, § 17.6)

Sec. 14-54. Inapplicability of regulations to certain trucks.

Nothing in this article shall be construed as applying to any truck coming from a truck traffic route as defined in section 14-46 having ingress and egress by direct route to and from streets on which truck traffic is restricted as herein provided when necessary for the purpose of making pickups or deliveries of goods, wares and merchandise from or to any building or structure located on streets other than truck traffic routes or for the purpose of delivering materials to be used in the actual and bona fide repair, alteration, remodeling or construction of any building or structure upon a street other than a truck

traffic route for which a building permit has previously been obtained or to any vehicle owned by a public utility while necessarily in use in the construction, installation or repair of any public utility or to any school bus or any authorized emergency vehicle as defined in section 165 of the Vehicle Code of the state or to any vehicle which is subject to the provisions of sections 1031 and 1037 inclusive in the Public Utilities Code of this state or to any vehicle owned or operated by the city while engaged in the repair, maintenance or construction of streets, street improvements or public utilities. (Code 1961, § 17.7)

Secs. 14-55—14-60. Reserved.

DIVISION 3. LIMITED TRUCK ROUTES

Sec. 14-61. Exceeding limitations authorized.

Notwithstanding any other provisions of this article, vehicles having a gross weight exceeding the maximum gross weight limits herein set forth may be permitted along the streets herein called "limited truck routes," not designated by approaching signs as "truck traffic routes," under the following conditions and provisions. (Code 1961, § 17.8)

Sec. 14-62. Permit required; application required.

Any person desiring to operate any vehicle having a gross weight, including load, exceeding the maximum gross weight limits herein set forth along any restricted street shall obtain a permit therefor and shall file an application in triplicate for the permit with the city clerk, the original of which shall be verified. The application shall set forth the following information:

- (a) A full identification and the residence and business address of the applicant, including all members of any firm or partnership and the president and secretary of any corporation applying; if the applicant is the agent or employee of any person for whose benefit the permit is requested, this fact with the full identification of such person and business and residence address.
- (b) The facts constituting the necessity for operating a vehicle along or upon the

restricted streets in excess of the gross weight limits herein set forth.

- (c) The dates on which the operation is intended to be commenced and completed and the times of day during which operation is intended to be conducted.
- (d) The route which applicant proposes to use over public streets or private property.
- (e) The time interval between vehicles and the number of vehicles per hour which will travel over the route for which the permit is applied.
- (f) Such further information as the city council may require. (Code 1961, § 17.8)

Sec. 14-63. Application filing fee.

At the time of filing the application for a permit hereunder, the applicant shall pay to the city, at the office of the city clerk, a minimum filing fee of thirty-five dollars (\$35.00) to cover the cost of the city's investigation of such application. (Code 1961, § 17.8)

Sec. 14-64. Investigation of application; action thereon.

Immediately upon the filing of an application for a permit to haul, one copy of such application shall be delivered to the city council and one copy to the chief of police. The city council shall make or have made an investigation of the facts stated in the application and within fifteen (15) days from the date of filing such application shall either grant a permit with or without modification, as hereinafter set forth, or deny the same in whole or in part. (Code 1961, § 17.8)

Sec. 14-65. Conditions for granting permit.

The application for a permit hereunder shall be granted by the city council only if it finds as follows:

- (a) That the public health, safety or welfare require the operation of vehicles in excess of the weight limits herein set forth and the use of the route applied for or such modification thereof as it may be deemed advisable;

- (b) That the hauling over the route specified will not be injurious to the public health, safety or welfare;
- (c) That the city will be duly protected from liability for injury to persons and property;
- (d) That the city will be indemnified from injury to the public streets and other places by reason of the use thereof for such operation. (Code 1961, § 17.8)

Sec. 14-66. Deposit required.

The city council shall require, as a condition to the granting of any permit hereunder, that the applicant, prior to the issuance of the permit, deposit with the city clerk as security for the payment of the fees specified in section 14-67 a sum of money to be fixed by the city manager, which shall be based upon the charges set forth in section 14-67; provided, however, that the amount deposited under this section shall be returned to the applicant if, prior to the commencement of any hauling operation, pursuant to such application, the applicant shall have notified the city manager of his intention not to engage in such hauling operation and demands the return of the deposit. (Code 1961, § 17.8)

Sec. 14-67. Permit fee.

The permittee shall pay to the city at the office of the city clerk the sum of one hundred sixty dollars (\$160.00). In the event the material being hauled consists of dirt, rocks, gravel or other earthen materials, the permittee shall pay an additional sum of twenty cents (\$0.20) per cubic yard in bank of the materials to be hauled. No permit shall be valid until such fee is paid. (Code 1961, § 17.8; Ord. No. 747, § 1, 5-13-86)

Sec. 14-68. Surety bond may be required.

The city manager shall require, as a condition to the granting of any permit hereunder, that the applicant deposit with the city clerk such sum in cash as may be required and a surety bond in an amount to be fixed and in form to be specified by the city manager, insuring to the benefit of the city, guaranteeing that applicant will faithfully perform all of the conditions and requirements specified in the permit and will repair to the satisfaction of the city engineer,

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or at the option of the city manager, reimburse the city for any damage caused to city streets or other city property by the proposed operation of vehicles in excess of weight limits or hauling or transportation of material or equipment. Such bond shall be executed by a surety or sureties approved by the city manager as being sufficient in financial responsibility. (Code 1961, § 17.8)

Sec. 14-69. Insurance required.

The city manager shall also require as a condition to the granting of any such permit that the applicant deposit with the city clerk a certificate or policy of a responsible insurance company showing that the city, its elective and appointive boards, officers, agents and employees and the public are insured in amounts hereinafter specified against any loss or damage arising directly from the operation of the applicant or any person acting in his behalf in carrying on any operation connected directly or indirectly with the hauling for which such permit is issued. Such policies of insurance shall be as follows:

- (a) *Public liability insurance.* In an amount not less than three hundred thousand dollars (\$300,000.00) for injuries, including but not limited to accidental death to any one person, and, subject to the same limit for each person in an amount of not less than six hundred thousand dollars (\$600,000.00) on account of one occurrence.
- (b) *Property damage insurance.* In an amount of not less than twenty thousand dollars (\$20,000.00). (Code 1961, § 17.8)

Sec. 14-70. Annual or continuing bond and insurance.

With the approval of the city manager, the applicant may deposit the aforesaid surety bonds and policies of insurance on an annual or continuing basis to cover one or more permits for hauling in the same or different locations. (Code 1961, § 17.8)

Sec. 14-71. Establishment of routes.

The city manager shall establish the route or routes over restricted streets which all vehicles subject to the permit shall travel and such vehicles shall travel only directly over

such route or routes as may be directed by the city manager to be least dangerous to public safety and which shall cause the least interference with general traffic and the least damage to public streets. (Code 1961, § 17.8)

Sec. 14-72. Additional restrictions on permit.

The city council shall also specify in granting the permit the following:

- (a) The gross weight limit of each truck or vehicle which shall be authorized to haul under the permit.
- (b) The number of trucks per hour which shall be permitted to travel over the route specified. (Code 1961, § 17.8)

Sec. 14-73. Permit revocation.

Any permit granted hereunder may be revoked only by the council as in its discretion may seem reasonable and just for any reason for which the issuance of such permit might lawfully be denied or for any failure to comply with any of the terms of this division or the terms of such permit. Revocation of such permit shall be made only upon a hearing before the council after at least five (5) days' notice to permittee. Such notice shall be in writing mailed by United States mail addressed to permittee at his business or residence address as stated on his application for a permit. (Code 1961, § 17.8)

Sec. 14-74. Permit expiration; supplemental permits.

In the event that any hauling for which a permit has been granted hereunder is not commenced within the period specified in the permit or in the event that such hauling is at any time abandoned for a period of five (5) consecutive business days or the number of days allowed for hauling in excess of weight limits in the permit expires, such permit shall automatically expire without notice and no further operation of vehicles in excess of such limits shall be made; however, the conditions expressed in such permit shall remain binding upon the person to whom such permit was issued and all legal and equitable remedies shall be available against him for any breach thereof. In such events herein set forth an application for a supplemental permit to continue the operation of vehicles in

excess of such weight limit may be filed setting forth all the information required for the original application and not contained therein. No further filing fee shall be required, but if such supplemental permit is issued, the applicant shall pay the fee prescribed in section 14-67. The city council may dispense with any further investigation or hearing if in its opinion the information furnished by the original investigation is sufficient to enable it to determine whether the supplemental permit should be issued and upon what conditions, if any. (Code 1961, § 17.8)

Sec. 14-75. Compliance with other regulations.

Nothing in this division or in any permit granted hereunder shall be deemed to authorize the doing or omission of any act contrary to any term or provision of this division or any other ordinance or license of this city or without any license or permit otherwise required by such term, provision, ordinance or license. (Code 1961, § 17.8)

Secs. 14-76—14-81. Reserved.

DIVISION 4. HAULING EARTH OR OTHER CONSTRUCTION MATERIALS

Sec. 14-82. Provisions declared alternative.

The authority granted and the procedure provided by this division is an alternative to any other authority or procedure provided by this article. (Code 1961, § 17.8-1)

Sec. 14-83. Permit authorized.

Notwithstanding any other provision of this article, the building official of the city may issue a permit allowing vehicles to exceed the maximum gross weight limits herein set forth on any street in the city for the purpose of hauling a maximum of five hundred (500) cubic yards per single building site per year, of earthen or other material required to be moved in connection with the construction or alteration of a work of improvement under the following conditions and improvements. (Code 1961, § 17.8-1)

Sec. 14-84. Permit application required.

Any person desiring to operate any vehicle having a gross weight, including load, to exceed the maximum gross weight limits herein set forth along any restricted street shall file an application in triplicate for a permit to do so with the city building official, the original of which shall be verified. The application shall set forth the following information:

- (a) A full identification and the residence and business address of the applicant, including all members of any firm or partnership and the president and secretary of any corporation applying; if the applicant is the agent or employee of any person for whose benefit the permit is requested, this fact with the full identification of such person and business and residence address.
- (b) The facts constituting the necessity for operating a vehicle along or upon the restricted streets in excess of the gross weight limits herein set forth.
- (c) The dates on which the operation is intended to be commenced and completed and the times of day during which operation is intended to be conducted.
- (d) The route which applicant proposes to use over public streets or private property.
- (e) The time interval between vehicles and the number of vehicles per hour which will travel over the route for which the permit is applied.
- (f) Such further information as the building official may require. (Code 1961, § 17.8-1)

Sec. 14-85. Application filing fee.

At the time of filing the application the applicant shall pay to the city, at the office of the building official, a filing fee to cover the cost of the city's investigation of such application. Such fee shall be not less than thirty-five dollars (\$35.00); provided, however, that if a fee for excavation has been paid pursuant to section 9-47, such filing fee shall be reduced by the amount paid. (Code 1961, § 17.8-1)

Sec. 14-86. Investigation, action on application.

Immediately upon the filing of an application for a permit to haul, one copy of such application shall be delivered to the director of public works and one copy to the chief of police. The city building official shall make or have made an investigation of the facts stated in the application and within fifteen (15) days from the date of filing such application shall either grant a permit with or without modification, as hereinafter set forth, or deny the same in whole or in part. (Code 1961, § 17.8-1)

Sec. 14-87. Conditions for granting permit.

The application shall be granted by the city building official, if he finds as follows:

- (a) That the public health, safety or welfare require the operation of vehicles in excess of the weight limits herein set forth and the use of the route applied for or such modification thereof as it may be deemed advisable;
- (b) That the hauling over the route specified will not be injurious to the public health, safety or welfare;
- (c) That the city will be duly protected from liability for injury to persons and property;
- (d) That the city will be indemnified from injury to the public streets and other places by reason of the use thereof for such operation. (Code 1961, § 17.8-1)

Sec. 14-88. Deposit required.

The city building official shall require, as a condition to the granting of any permit hereunder, that the applicant, prior to the issuance of the permit, deposit with the city building official security for the payment of the fees specified in section 14-89, a sum of money to be fixed by the city building official which shall be based upon the charges set forth in section 14-89; provided, however, that the amount deposited under this section shall be returned to applicant if, prior to the commencement of any hauling operation, pursuant to such application, the applicant shall have notified the city building official of

his intention not to engage in such hauling operation and demanded the return of the deposit. (Code 1961, § 17.8-1)

Sec. 14-89. Permit fee.

The permittee shall pay to the city at the office of the city clerk the sum of one hundred sixty dollars (\$160.00). In the event the material being hauled consists of dirt, rocks, gravel or other earthen materials, the permittee shall pay an additional sum of twenty cents (\$0.20) per cubic yard in bank of the materials to be hauled. No permit shall be valid until such fee is paid. (Code 1961, § 17.8-1; Ord. No. 747, § 2, 5-13-86)

Sec. 14-90. Surety bond required.

The city building official shall require, as a condition to the granting of any permit hereunder, that the applicant deposit with the city building official such sum in cash as may be required and a surety bond in the amount to be fixed and in form to be specified by the city building official, insuring to the benefit of the city, guaranteeing that applicant will faithfully perform all of the conditions and requirements specified in the permit and will repair to the satisfaction of the city engineer or, at the option of the city manager, reimburse the city for any damage caused to city streets or other city property by the proposed operation of vehicles in excess of weight limits or hauling or transportation of material or equipment. Such bond shall be executed by a surety or sureties approved by the city manager as being sufficient in financial responsibility. (Code 1961, § 17.8-1)

Sec. 14-91. Insurance required.

The city building official shall also require as a condition to the granting of any such permit that the applicant deposit with the city building official a certificate or policy of a responsible insurance company showing that the city, its elective and appointive boards, officers, agents and employees and the public are insured in amounts hereinafter specified against any loss or damage arising directly from the operation of the applicant or any person acting in his behalf in carrying on any operation connected directly or indirectly with the hauling for which such permit is issued. Such policies of insurance shall be as follows:

- (a) *Public liability insurance.* In an amount not less than three hundred

thousand dollars (\$300,000.00) for injuries, including but not limited to accidental death to any one person, and subject to the same limit for each person in an amount of not less than six hundred thousand dollars (\$600,000.00) on account of one occurrence.

- (b) *Property damage insurance.* In an amount of not less than twenty thousand dollars (\$20,000.00). (Code 1961, § 17.8-1)

Sec. 14-92. Annual or continuing bond and insurance.

With the approval of the city manager, the applicant may deposit the aforesaid surety bonds and policies of insurance on an annual or continuing basis to cover one or more permits for hauling in the same or different locations. (Code 1961, § 17.8-1)

Sec. 14-93. Route.

The city building official shall establish the route or routes over restricted streets which all vehicles subject to the permit shall travel, and such vehicles shall travel only directly over such route or routes as may be directed by the city building official to be least dangerous to public safety and which shall cause the least interference with general traffic and the least damage to public streets. (Code 1961, § 17.8-1)

Sec. 14-94. Additional permit restrictions.

The city building official may also specify in granting the permit the following:

- (a) The gross weight limit of each truck or vehicle which shall be authorized to haul under the permit.
- (b) The number of trucks per hour which shall be permitted to travel over the route specified.
- (c) Such other conditions and requirements as may be required to properly administer the exercise and use of the permit. (Code 1961, § 17.8-1)

Sec. 14-95. Permit revocation, suspension authorized; appeal.

Any permit granted hereunder may be revoked or suspended by the city manager,

building official or the chief of police for failure to comply with any of the terms of this division or the terms of such permit, by mailing notice in writing to the permittee at the address shown in the application or by personal service of such written notification upon permittee. The revocation or suspension shall be effective upon the mailing of the aforesaid written notice or the personal service of the same. In the event of revocation or suspension of a permit, the permittee may appeal to the city council by filing written notice of appeal within five (5) days of the mailing or service of the notice of revocation or suspension. If the city council reinstates the permit, it may impose such conditions as may be reasonably required for the protection of the health, safety and general welfare of the public. (Code 1961, § 17.8-1)

Sec. 14-96. Permit expiration; supplemental permits.

In the event that any hauling for which a permit has been granted hereunder is not commenced with the period specified in the permit or in the event that such hauling is at any time abandoned for a period of five (5) consecutive business days or the number of days allowed for hauling in excess of weight limits in the permit expires, such permit shall automatically expire without notice and no further operation of vehicles in excess of such limits shall be made; however, the conditions expressed in such permit shall remain binding upon the person to whom such permit was issued; and all legal and equitable remedies shall be available against him for any breach thereof. In such events herein set forth an application for a supplemental permit to continue the operation of vehicles in excess of such weight limit may be filed setting forth all the information required for the original application and not contained therein. No further filing fee shall be required, but if such supplemental permit is issued, the applicant shall pay the fee prescribed in section 14-89. The city building official may dispense with any further investigation or hearing if in his opinion the information furnished by the original investigation is sufficient to enable him to determine whether the supplemental permit should be issued and upon what conditions, if any. (Code 1961, § 17.8-1)

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Sec. 14-97. Compliance with other regulations.

Nothing in this division or in any permit granted hereunder shall be deemed to authorize the doing or omission of any act contrary to any term, or provision of this division or any other ordinance or license of this city or without any license or permit otherwise required by such term, provision, ordinance or license. (Code 1961, § 17.8-1)

ARTICLE IV. RESTRICTED ON-STREET AND OFF-STREET PARKING AREAS FOR USE BY DISABLED PERSONS ONLY.

Sec. 14-98. Restricted on-street parking spaces for use by disabled persons only.

(a) The city engineer shall designate parking spaces for the exclusive use of vehicles which display a distinguishing license plate or a placard issued to disabled persons pursuant to California Vehicle Code (CVC) section 9105 or 22511.5. Such parking spaces shall be indicated by blue paint on the curb adjacent to the space. In addition to the blue paint, the space may also be indicated by signs or other suitable means.

(b) No operator of any vehicle who does not qualify for veterans' exemption per CVC section 9105 or disabled persons exemption per CVC section 22511.5 shall stop, stand, park or leave standing such vehicle in any parking space designated for use by physically handicapped persons.

(c) Violation of this section constitutes an infraction. (Ord. No. 625, § 1, 5-22-78)

Sec. 14-99. Restricted off-street parking areas for use by disabled persons only.

(a) The city engineer and/or any person in lawful possession of an off-street parking facility may designate stalls or spaces in an off-street parking facility owned or operated by the city or person for the exclusive use of vehicles which display a distinguishing license plate or a placard issued to disabled persons pursuant to CVC section 9105 or